

**Village of Sleepy Hollow
Mayor and Board of Trustee
Resolution of Special Permit Approval
Kendal on Hudson
Continuing Care Retirement Community
September 18, 2001**

WHEREAS, an application to grant a Special Permit for the construction of a continuing care retirement community (CCRC) on the grounds of the Phelps Memorial Hospital Center ("the Hospital") has been made by Kendal on Hudson, a New York not-for-profit corporation and Phelps Community Corporation, a New York not-for-profit corporation (jointly the "Applicant") to the Mayor and Board of Trustees (the "Board") of the Village of Sleepy Hollow; and

WHEREAS, the CCRC is proposed to be located on a leased parcel of land on the grounds of the Phelps Memorial Hospital Center ("the Hospital") also known and designated on the tax assessment map of the Town of Mount Pleasant as Section 110.11, Block 1, Lots 1, 2 and 3 and on the tax assessment map of the Village of Sleepy Hollow as Section 11, Block 1, Lots 3A, 3A.1 and 3.A1M (the "site"); and

WHEREAS, the CCRC project consists of 225 independent living apartments, 24 enriched housing ("assisted living") units, 42 skilled nursing rooms, related accessory uses contained in four buildings ranging in height from two to five stories, and parking for 393 vehicles contained within the approximately 435,000 square feet of building program (the "Project"); and

WHEREAS, the applicant, as a duly qualified not-for-profit corporation exempt from real property taxes, has agreed to make certain 'payments in lieu of taxes' (PILOT) to the taxing jurisdictions; and

WHEREAS, the Applicant has requested, and the Board has agreed, that certain Development Fee Expenses, including building, electrical and plumbing fees, recreation fees, and fees for planning, architectural review, and others, be paid pursuant to an agreement; and

WHEREAS, it is noted that the Board acted as the Lead Agency under the State Environmental Quality review Act (SEQRA) and did determine in the Environmental Findings Statement adopted

June 19, 2001, that the proposed Project, with the mitigative measures identified therein, would not have a significant environmental impact; and

WHEREAS, the application for Special Permit Approval consists of a Special Permit Application package and a statement of Principal Points; and

WHEREAS, the Board held a public hearing on the Special Permit application on August 21, 2001 during which all persons interested were provided an opportunity to be heard; and

WHEREAS, the Applicant has included in support of the Special Permit Application submitted the following large-scale plans generally entitled

	Title	Scale	Last Revised	Source
	Cover Sheet	1" = 100'	07/19/01	DTS*
SP-1.0	Master Site Plan	1" = 50'	07/19/01	DTS
SP-2.0	Site Layout Plan	1" = 50'	08/31/01	DTS
SP-2.1	Site Layout Plan	1" = 50'	07/19/01	DTS
SP-3.0	Site Grading Plan	1" = 50'	07/19/01	DTS
SP-3.1	Site Grading Plan	1" = 50'	07/19/01	DTS
SP-4.0	Site Utility Plan	1" = 50'	07/19/01	DTS
SP-5.0	Landscape Concept Plan	1" = 50'	07/19/01	DTS
SP-5.1	Landscape Concept Plan	1" = 50'	07/19/01	DTS
SP-6.0	Driveway Profiles	As Noted	07/19/01	DTS
SP-7.0	Erosion Control Plan	1" = 50'	07/19/01	DTS
SP-7.1	Erosion Control Plan	1" = 50'	07/19/01	DTS
SP-7.2	Erosion Control Details	As Noted	07/19/01	DTS
SP-8.0	Tree Survey & Protection Plan	1" = 50'	07/19/01	DTS
SP-8.1	Tree Survey & Protection Plan	1" = 50'	07/19/01	DTS
	Boundary/Topographic Survey	1" = 100'	03/17/99	CHS**
A-1.0	Composite Floor Plan levels 40s+50s	1/32" = 1'-0"	07/19/01	PEA***
A-1.1	Floor Plan levels 65s + 76'-5½"	1/32" = 1'-0"	07/19/01	PEA***
A-1.2	Floor Plan Levels 89s + 102s	1/32" = 1'-0"	07/19/01	PEA***

A-1.3	Floor Plan Levels 113s + 123-4'- $\frac{1}{4}$ '	$1/32" = 1'-0"$	07/19/01	PEA***
A-1.4	Floor Plan Levels 133'- 8 $\frac{1}{4}$ "s+Roof	$1/32" = 1'-0"$	07/19/01	PEA***
A-2.0	Building Elevations	$1/16" = 1'-0"$	07/19/01	PEA***
A-3.0	Site Sections	$1/32" = 1'-0"$	07/19/01	PEA***

* DTS (Divney Tung Schwalbe, LLP)

** CHS (Charles H. Sells, Inc)

*** PEA (Perkins Eastman Architects, PC); and

WHEREAS, the project is fully described in the Draft Environmental Impact Statement (DEIS), Final Environmental Impact Statement (FEIS), Findings Statement, in all materials and in submissions in support thereof, and the application materials referenced above; and

WHEREAS, the Board has reviewed the application for Special Permit Approval in accordance with Section 62-22.3 (VII. 1-6) of the Zoning Code of the Village of Sleepy Hollow; and

NOW THEREFORE, BE IT RESOLVED, that pursuant to Section 62-22.3 (VII 1-6) of the Zoning Code, the Board determines that the project, as defined above and modified by the conditions enumerated in this Special Permit, meets the following conditions and standards:

The CCRC use shall be of such character, intensity, size and location that in general it will be in harmony with the orderly development of the neighborhood in which the property is situated and will not be detrimental to the orderly development of adjacent districts (Section 62-22.3, VII 1).

- The proposed Kendal on Hudson CCRC is to be developed in the H-Hospital District and in basic height, bulk and square footage is generally compatible with the existing Phelps Hospital building. The proposed Project is separated from the adjacent Sleepy Hollow Manor neighborhood by a 7± acre buffer area. The buffer area will remain as a vegetated buffer and be augmented as a result of the proposed project. The majority of the traffic associated with the project will enter and exit the site via Route 117 and US Route 9. The resulting site related traffic will not significantly impact the local roadway network. The project is located 100 feet away from and down gradient from the James House, a

structure of local historical significance located on the Phelps Hospital property within the H-Hospital district. The building heights have been modified through the course of the environmental review so that they are now a maximum of five stories. A landscaping component, including a decorative border element, which may include a wall and or balustrade, will be provided between the James House and the CCRC building program which will help soften the appearance of the proposed facility from the James House. The project will be visible from the neighboring Rockwood Hall portion of the Rockefeller State Park Preserve but landscaped berms that Kendal on Hudson has committed to construct and maintain, will mitigate potential visual impacts. A portion of an existing carriage trail on the Rockwood Hall property will be relocated and replaced as a result of the proposed project. The Applicant will provide \$300,000 to assist in off-site sanitary sewer improvements. Said improvements mitigate potential impacts to the existing system, and, in some instances, will improve its capacity over preconstruction conditions. Connection by Kendal to the municipal water system will also allow for a connection of the Sleepy Hollow Manor neighborhood to the south of the Kendal development to the northern loop of the Village's water system, alleviating an existing low pressure condition in that neighborhood.. Studies prepared as part of the EIS indicate that said connection will improve water circulation and water pressure in that portion of the Village. As such the proposed use will be in harmony with the appropriate and orderly development of the H-Hospital District in which it is located.

Traffic involved in or conducted in connection with the CCRC, the size of the site in relation to it, and the location of the site with respect to the type, arrangement and capacity of streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the neighborhood in which it is located (62-22.3 VII - 2)

- CCRC facilities are typically low generators of vehicular activity given the general age of the resident population, the provision of on site activities and services and the availability of vans to transport residents. Employee shift changes and deliveries will be scheduled as practicable to occur outside the peak highway hours. As presented in the EIS, the project would generate 68 vehicles (43 entering, 25 exiting) on the weekday AM peak hour and 77 vehicles (31 entering, 46 exiting) in the weekday PM peak hour. Based on the

analysis in the EIS, the project would have a minimal effect on the eight intersections analyzed.

Access to the project is provided via Rockwood Road, a two-lane local road that extends from NYS Route 117 and provides connection to US Route 9. As mitigation identified during the EIS process, the Applicant is required to construct a turning lane on Route 9 at the westbound Route 117 entrance ramp. A landscaped parking area for Rockwood Hall is planned to be provided by the New York State Parks Department. Visitors to Rockwood Hall, the Mount Pleasant Executive Center and the James House will all benefit as a result of the improvements. The Applicant has indicated during the course of the environmental review that they would restrict, through the use of signage at appropriate locations, Kendal residents, employees and visitors from utilizing the hospital roadways for ingress and egress.

The proposed project, with mitigation as proposed, will not adversely impact traffic and is consistent and in harmony with the appropriate and orderly development of the neighborhood in which it is located.

The location, nature and height of building, walls and fences, and the nature and extent of the landscaping and screening on the site, as existing or proposed, are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings (62-22.3 VII – 3).

- The Kendal on Hudson building program is situated west of and down gradient from the James House, a locally historically significant structure. The Kendal on Hudson buildings are designed to reflect the important design aspects of the Italianate style, similar to that exhibited by the James House. Materials traditionally used in Westchester (e.g. stone and stucco) varied combinations of rooflines and window openings and horizontal and vertical delineations within the building facades are incorporated to create an integrated design for the CCRC.

Walls and fences are limited to retaining walls along the eastern and western sections of the Kendal loop road and garden walls and fences within the landscaped court yards and grounds. The retaining walls will be architecturally treated and screened from off site view by existing vegetation and proposed landscaping.

A comprehensive landscape plan has been proposed which includes the planting of at least 370 deciduous and evergreen trees. The proposed plantings address aesthetic, screening, reforestation and slope stabilization measures. Ornamental trees, shrubs and ground covers will be provided around the Kendal on Hudson buildings.

A portion of an existing carriage trail on the neighboring Rockwood Hall portion of the Rockefeller State Park Preserve will be relocated. An extensive landscape component, including topographic berms, is provided on the site plan drawings as part of this special permit application. The use of berms and landscaping limit potential impacts to this portion of the park system. Based on the extent of the landscaping and use of topographic berms, the project will not hinder or discourage the appropriate development and use of adjacent land and buildings.

Operations in connection with a CCRC use will not be more objectionable to nearby properties by reason of noise, fumes, vibrations, lighting or flashing of lights, than would be the operations of any permitted use not requiring a special permit. (62-22.3 VII - 4).

- Operations in connection with the proposed CCRC will not be more objectionable to nearby properties by reason of noise, fumes, vibrations, lighting or flashing of lights, than would be the operations of any permitted use in the H-Hospital District not requiring a special permit. The loading area serving the Kendal facility is situated in the lower level of the Commons Building in the western portion of the site, approximately 750 feet from the residences located to the south. Light fixtures utilized along the internal roadways will be shielded to prevent glare on adjacent residential properties. Overall noise and activity levels would be consistent or less than that of the hospital use, particularly as related to the use of maintenance equipment. The CCRC would not have other hospital-related activities such

as the number of emergency ambulance calls and nighttime emergencies that the hospital would have that may involve sirens or flashing lights

Parking areas will be of adequate size for the CCRC use, properly located and suitably screened from any adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety (62-22.3 VII - 5).

- The proposed project includes parking for 393 vehicles adequate for residents, staff and visitor needs. In an effort to minimize visual impact and conserve open space, resident parking is provided in below building spaces; staff parking is provided in the lower level of a proposed parking deck in proximity to the Phelps Memorial Hospital; and visitor parking is provided in discrete groupings in the vicinity of each building. Existing and proposed landscaping along the southern loop road and southern property boundary will screen the parking areas from the residential neighborhood to the south.

Site access is provided by a two-way entrance drive starting at the end of Rockwood Road. The proposed roadway has been designed to meet Village and Town standards although it will be a private roadway maintained by Kendal. An "emergency only" access is provided in the vicinity of proposed parking deck in the southern portion of the site. Additionally, the proposed project parking areas are properly sized, located and screened and the access drives are designed to achieve maximum safety.

The CCRC use shall be so located on the lot involved that it shall not impair the use and enjoyment of adjacent residential properties (62-22.3 VII - 6).

- The proposed CCRC buildings are located in the northwest corner of the Phelps Memorial Hospital campus, set back in excess of 400 feet from the nearest residential building to the south. Separating the proposed CCRC from the residential neighborhood is a 7± acre vegetated buffer which will be augmented with additional plantings.

The utility connections have been designed to avoid connecting to the Sleepy Hollow Manor system in Birch Close and disturbing that street or adjoining residences. The proposed pedestrian system will not connect to the Birch Close or Terrace Close rights of way, but instead will make two connections to the Rockwood Hall trails.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and Board of Trustees hereby approves the issuance of a special permit to the Applicant to construct the project conditioned upon the full compliance with the following:

1. Construction of "the Project" as described and detailed in the special permit application, the DEIS, FEIS, and enumerated mitigative measures contained in the Findings Statement of the Board of Trustees dated June 19, 2001.
2. Substantial construction of "the Project" commencing within one year of the date of adoption of site plan approval and thereafter being diligently pursued to completion with the opportunity for extensions of the special permit to be granted for good cause by the Mayor and Board of Trustees at the request of the Applicant for a period of six months.
3. The Applicant applying for and obtaining necessary approvals from the Town of Mount Pleasant to develop that portion of the proposed project access way located in the Town of Mount Pleasant as shown in the project site plan. In the event that the Town of Mount Pleasant approvals differ substantially from the conceptual site plan approvals noted herein, and said changes result in significant modifications to the site access way as proposed, then the Applicant shall be required to submit said changes to the Mayor and Board of Trustees for their review and approval.
4. The Applicant's compliance with terms and requirements of the access easement between Phelps and Rockwood Hall across lands owned by the New York State Office of Parks, Recreation and Historic Preservation including, but not limited to, NYSOPRHP approval of construction, landscaping and maintenance to take place within the subject easement area. The Applicant has agreed to make the internal pathway system and promenade open to the public.

5. The Applicant's submission to the Village's Special Counsel for review of a fully executed lease agreement by and between Kendal on Hudson and Phelps Memorial Hospital for the development of "the Project", said lease to contain terms and conditions drawn to the satisfaction of Counsel which protect and prohibit development on that portion of the site denoted as the "buffer area" of approximately seven acres and more fully described on Site Layout Plan SP-2.0. A landscape plan for the augmentation of this area shall be prepared and submitted with other required submittals to the Planning Board for their review and approval.
6. The Applicant's offer in dedication of water lines and corresponding easement to the Village of Sleepy Hollow upon satisfactory completion of construction of water connections to US Route 9 and Hemlock Drive, all as generally denoted on Site Utility Plan SP.4.1, said improvements to be constructed and installed to the satisfaction of the Village engineer. The offer of dedication of the water lines and easements shall be a condition precedent to the issuance of a certificate of occupancy for the project.
7. The Applicant's offer to construct pathways accessible to the public connecting the Rockwood Hall Path System to the Project walkway and promenade overlooking the Hudson River, as generally located on Exhibit no. 5 "proposed pedestrian circulation and parking plan" in the Special Permit application; plans and details for said public walkway and overlook ("promenade") to be developed in coordination with the NYSOPRHP and to the satisfaction of the Planning Board as part of its site plan review.
8. The Applicant's providing a landscape maintenance plan to the Planning Board and posting of landscape maintenance bonds to ensure that landscape plantings are established and maintained in a healthy and vigorous growing condition. The landscape maintenance bond amounts shall be set by the Planning Board as part of site plan approval. Two bonds shall be posted: a bond with a term of a minimum of two years shall be posted for general site landscaping, a bond with a term of five years shall be posted to guarantee plantings and the maintenance thereof for all plantings in the "buffer area".
9. The Applicant's applying for and obtaining site plan approval from the Planning Board of the Village of Sleepy Hollow, said review and approval:

- a. To be in general conformance with site plans SP 1.0-8.1 made a part of this special permit and conceptually approved herein as a part of this special permit resolution;
 - b. To be in general conformance with architectural drawings A-1.0—3.0 as conceptually approved herein and subject to review by the Village's Architectural Review Board and final review and approval of the Planning Board.
10. The Applicant paying to the Village the sum of \$300,000 for certain off site sanitary sewer improvements as generally detailed in the DEIS and FEIS for "the Project", said \$300,000 shall be paid to the Village upon issuance of a building permit to commence construction of the project and receipt of Project funding.
11. The Applicant shall develop necessary plans, make application and diligently seek a New York State Department of Transportation permit and undertake to construct a dedicated turning lane at the Route 9/Route 117 westbound intersection as discussed in the FEIS and Environmental Findings Statement prior to the issuance of a certificate of occupancy for the Project. As part of this process, the Applicant will post with NYS DOT a bond for said improvements as required. If the permit has not been issued by NYSDOT or work has not begun under the permit at the time of issuance of said certificate of occupancy, then a \$100,000 letter of credit shall be posted with the Village. Said letter of credit may be drawn on by the Village of Sleepy Hollow to obtain the permit and undertake this work at the Village's sole discretion. If said permit has not been issued and substantial construction undertaken within two years from the posting of the letter of credit, the letter of credit shall be returned to the Applicant.
12. The Applicant's execution of a "Payment in Lieu of Taxes" (PILOT) agreement substantially consistent with the draft annexed hereto.
13. The Applicant's execution of the attached "Development Fee Agreement" which details the payment of certain required fees at a time other than as otherwise required by Village Code.
14. The Applicant shall adjust shift changes for the Kendal facility to the greatest extent practicable so that the employee traffic pattern falls, to the greatest extent practicable, outside

of the peak highway hours, which generally occur between 7:45 to 8:45 AM and 4:45 to 5:45 PM, as discussed in the DEIS, FEIS, and Environmental Findings Statement.

15. The Applicant shall submit as part of the site plan review process, the storm water management plan for review and sign off by the Village Engineer and such plans shall incorporate NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities, the New York Guidelines for Urban Erosion and Sediment Control, or the Erosion and Sediment Control Best Management Practices Manual Series (Westchester County), whichever is most stringent; and be it further

RESOLVED, that all requirements, conditions and mitigation measures related to the project as established by the Mayor and Village Board of Trustees in the Findings Statement shall constitute express conditions of this approval, and shall constitute obligations of the Applicant there under, and shall be enforceable by this Village Board or its designated representative, and, be it further

RESOLVED, that certified copies of this resolution be transmitted to the Village of Sleepy Hollow Planning and Architectural Review Boards.

Moved: Trustee Rodriguez Seconded: Trustee DiFelice Vote: 5-1
Trustee Hagle voted NO.

April 18, 2002
Revised May 13, 2002

RESOLUTION

KENDAL ON HUDSON CONTINUING CARE RETIREMENT COMMUNITY SITE PLAN AND WETLANDS PERMIT APPROVAL

WHEREAS, on September 6, 2001 Kendal on Hudson and the Phelps Community Corporation (jointly the "Applicant"), including its successors and assigns submitted an application to the Village of Sleepy Hollow Planning Board ("the Board") requesting site plan and wetlands permit approvals to develop a continuing care retirement community ("CCRC"); and

WHEREAS, the proposed CCRC is situated on approximately 24 acres on the western portion of the existing Phelps Memorial Hospital Center ("Phelps") campus designated on the tax assessment maps of the Town of Mount Pleasant as Section 110.11, Block 1, Lots 1,2 and 3; and

WHEREAS, the proposed CCRC consists of 225 independent living apartments, 24 enriched housing units and 42 skilled nursing beds along with common facilities provided in approximately 435,000 square feet of building area, serviced by 393 parking spaces (the "project"); and

WHEREAS, the proposed project was the subject of a comprehensive environmental review conducted by the Mayor and Board of Trustees acting as the Lead Agency under the State Environmental Quality Review Act (SEQRA) and that the Mayor and Board of Trustees did issue an Environmental Findings Statement on June 19, 2001, which Findings Statement

concluded that with the mitigation measures imposed, the project minimizes or avoids environmental effects to the maximum extent practicable and that after due consideration, the Proposed Action will provide a balance between the protection of the environment and the need to accommodate social, economic and other considerations of sound public policy; and

WHEREAS, pursuant to Chapter 59A of the Village Code, the proposed project was reviewed by the Village of Sleepy Hollow Waterfront Advisory Committee (WAC) for consistency with the goals and policies in the Village's Local Waterfront Revitalization Plan (LWRP); and

WHEREAS, on June 18, 2001, the WAC found and made a recommendation to the Mayor and Board of Trustees that, on balance, the proposed project was consistent with the goals and policies of the LWRP; and

WHEREAS, on July 17, 2001, the Mayor and Board of Trustees conducted their own LWRP consistency review and issued findings concluding that, on balance, the proposed project is consistent with the goals and policies of the LWRP; and

WHEREAS, following the completion of the environmental review process for the proposed action, the Village Board took the following actions:

- On July 10, 2001, following submission of a zoning petition by the Applicant, held a duly noticed public hearing on proposed zoning text amendments which would permit a CCRC use as a special permit use in the H-Hospital District;

- Enacted Local Law #1 of 201 to allow for an amendment of the Sleepy Hollow Zoning Ordinance to permit CCRC's as special permit uses within the H-Hospital District;
- Held a duly noticed public hearing on August 21, 2001, following submission of a special permit application by the Applicant, on the special permit application during which all persons interested were provided an opportunity to be heard;
- Granted a special permit to the Applicant on September 18, 2001, to permit the construction of the proposed CCRC facility on the western portion of the Phelps campus; and

WHEREAS, the Applicant has included in support of the site plan and wetlands permit applications the following large scale plans generally entitled:

	Title	Scale	Last Revised	Source
	Cover Sheet	1" = 100'	02/05/02	DTS*
SP-1.0	Master Site Plan	1" = 50'	02/05/02	DTS
SP-2.0	Site Layout Plan	1" = 50'	03/11/02	DTS
SP-2.1	Site Layout Plan	1" = 50'	02/05/02	DTS
SP-3.0	Site Grading Plan	1" = 50'	04/04/02	DTS
SP-3.1	Site Grading Plan	1" = 50'	02/05/02	DTS
SP-4.0	Site Utility Plan	1" = 50'	03/11/02	DTS
SP-5.0	Landscape Concept Plan	1" = 50"	04/04/02	DTS
SP-5.1	Landscape Concept Plan	1" = 50'	04/04/02	DTS
SP-6.0	Driveway Profiles	As Noted	07/19/01	DTS
SP-7.0	Erosion Control Plan	1" = 50"	03/11/02	DTS
SP-7.1	Erosion Control Plan	1" = 50'	03/11/02	DTS
SP-7.2	Erosion Control Details	As Noted	03/11/02	DTS
SP-8.0	Tree Survey & Protection Plan	1" = 50'	02/05/02	DTS
SP-8.1	Tree Survey & Protection Plan	1" = 50'	02/05/02	DTS
	Boundary/Topographic Survey	1" = 100'	03/17/99	CHS**
SP-9.0	Site Details	As noted	04/04/02	DTS
DP-9.1	Utility Details	As noted	04/04/02	DTS

	Title	Scale	Last Revised	Source
A-1.0	Composite Floor Plan levels		02/05/02	PEA***
	40s=50s1/32" =	1'-0"		
A-1.1	Floor Plan Levels 65s = 76'-51/2"	1/32 = 1'-0"	02/05/02	PEA***
A-1.2	Floor Plan Levels 89s = 102s	1/32 = 1'-0"	02/05/02	PEA***
A-1.3	Floor Plan Levels 113s = 123-4'-1/4	1/32" = 1'-0"	02/05/02	PEA***
A-1.4	Floor Plan Levels 133' - 81/4"s=Roof	1/32" = 1'-0"	02/05/02	PEA***
A-2.0	Building Elevations	1/16" = 1'-0"	02/05/02	PEA***
A-3.0	Site Sections	1/32" = 1'-0"	02/05/02	PEA***
A-4.0	Parking Deck	As noted	02/05.02	PEA***

* DTS (Divney Tung Schwalbe, LLP)

** CHS (Charles H. Sells, Inc)

*** PEA (Perkins Eastman Architects, PC); and

WHEREAS, on September 20, 2001, October 18, 2001 and November 5, 2001, the Planning Board did publicly discuss the contents of the proposed site plan application and the format in which it would be reviewed; and

WHEREAS, on November 21, 2001, December 3, 2001, December 20, 2001, January 17, 2002 and February 21, 2002 the Planning Board conducted and/or continued a public hearing on the detailed site plan and wetlands permit application upon due notice and all persons wishing to be heard were afforded an opportunity to be heard; and

WHEREAS, the Planning Board also received written correspondence from Scenic Hudson dated November 16, 2001 and January 17, 2002 and from Metro-North Railroad dated March 8, 2002; and

WHEREAS, the Planning Board did discuss in detail with the Applicant issues related to construction and site preparation, architecture and landscaping, circulation, utility systems and wetland buffer activities; and

WHEREAS, as a result of public input during the public hearing process and comments raised by the Planning Board, Village staff, and Village consultants, modifications were made to the proposed site plan application; and

WHEREAS, the proposed development would result in the temporary disturbance to approximately 0.97 acres of wetland buffer area; and

WHEREAS, to offset approximately 0.97 acres of temporary wetland buffer impacts, the Applicant has prepared a wetland buffer mitigation plan consistent with the requirements of Section 61 of the Village's Wetland/Watercourse Protection law which plan will result in supplementing the existing wetland buffer area on the southern end of the site with woodland and flowering trees as well as evergreens. Further, the presently eroded stream channel will be stabilized and replanted to provide additional habitat and erosion control; and

WHEREAS, the Applicant has prepared a soil and sediment erosion control plan which conforms to the Westchester County Best Management Practices Manual Series for controlling stormwater runoff which will minimize potential impacts to the on-site wetlands; and

WHEREAS, the Applicant, as a condition of the Special Permit issued approving the project, did appear before the Village of Sleepy Hollow Architectural Review Board ("ARB") at its regularly scheduled meeting on October 24, 2001, at a special work session on November 7, 2001, and at the ARB's regularly scheduled meeting of November 28, 2001; and

WHEREAS, the ARB provided written recommendations to the Planning Board for its review and consideration; and

WHEREAS, under Chapter 52A Tree Conservation, of the Village Code, the Applicant was required to prepare a comprehensive tree survey, landscape planting plan and meet with the Village's Tree Commission to seek a tree permit; and

WHEREAS, on March 18, 2002, the Applicant did meet with and discuss the proposed site plan with the Tree Commission. Comments raised by the Tree Commission led to modifications of the proposed site plan to preserve an area of mature trees in the western portion of the site. After further discussion the Applicant received a tree removal permit from the Village's Tree Commission, said permit was conditioned upon a fee in the amount of \$10,000 to be paid to the Tree Commission to mitigate the impact of the proposed tree removal; and

WHEREAS, the Planning Board, as an involved agency as defined under Article 8 of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder, after thorough review of the environmental documentation, determined that the proposed project is consistent with the Environmental Findings Statement adopted by the Mayor and Board of Trustees as attached to the Planning Board's environmental findings; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 59A of the Village Code and after careful review of the Consistency Findings recommendation by the Village's WAC and Consistency Findings adopted by the Mayor and Board of Trustees, the Planning Board hereby determines that the proposed project is consistent with the goals and policies of the Village's LWRP; and, be it further

RESOLVED, that the site plan and wetlands permit approval incorporate by reference the legends on the site plan drawings and any material variation from the approved site plan shall require a resolution from the Planning Board approving said changes; and

RESOLVED, that the final site plan approval and wetlands permit, as defined in the recitals are granted and approved, the Planning Board Chairman is authorized to sign the plans, and permits may be issued, subject to the conditions and modifications identified below:

CONDITIONS TO BE COMPLETED BEFORE THE SITE PLAN IS SIGNED

1. The Applicant's submission to the Village's Special Counsel for review of a fully executed lease agreement by and between Kendal on Hudson and Phelps Community Corporation (the Lease Agreement) for the Project, said lease to contain terms and conditions drawn to the satisfaction of counsel which protect and prohibit development on that portion of the site denoted as the "buffer area" of approximately seven acres and more fully described on Site Layout Plan SP-2.0.

2. Said Lease Agreement shall also contain terms and conditions drawn to the satisfaction of the Village's Special Counsel which will provide for public pedestrian access in accordance with the conditions of approval by the approving authorities and as shown on the approved site plans (including site plan drawing SP-2.0). Kendal on Hudson shall provide public pedestrian access over its walkway system within the western portion of its site from and to the Rockwood Hall portion of the Rockefeller State Park Preserve to the north within 90 days from the issuance of a certificate of occupancy and from and to the Village of Sleepy Hollow street system or future greenway or coastal trail connecting to the "Buffer Area" to the south (said connection to the street system at the south or to any future greenway or coastal trail connecting

to the "Buffer Area" to be determined at a future date by the Village of Sleepy Hollow). Such public pedestrian access shall be permitted and provided for throughout the term of the lease, generally during the daylight hours, subject to reasonable restrictions regarding time, nature and manner in which public access shall be provided as established by Kendal on Hudson with the approval of the Village Administrator.

CONDITIONS TO BE COMPLETED BEFORE BUILDING PERMITS ARE ISSUED OR ANY CONSTRUCTION COMMENCED

1. Prior to the issuance of any building permits, a 100% performance bond shall be submitted in a sum determined by the Village's Engineer and shall be furnished to and accepted by the Village, to guarantee the satisfactory and complete installation and construction of all infrastructure, as determined appropriate by the Village Engineer, including sewage, water, drainage, roads, sediment and erosion control measures, stormwater detention, wetlands buffer mitigation and traffic improvements. It is the Applicant's obligation to maintain the stormwater management system. Further, the Applicant has agreed to and shall be required to reimburse the Village for inspection of the on-site stormwater management system once the site construction is completed and the site is open. Such inspections would occur periodically throughout the year, but not less than twice per year. The Village inspector would, when required, identify where repairs or other maintenance would need to be made to maintain the stormwater management facility. If the Applicant does not make improvements in a timely manner, the Village will make the improvements or required maintenance and charge the Applicant for the cost of such improvements. Upon the failure of the Applicant to pay for the required maintenance and or improvements related to the stormwater management facility, this would constitute a lien against the property.

2. The Applicant shall review with the Planning Board the proposed roof drainage system, including the type of materials if gutters and leaders are used, or in their absence, how drainage would be accommodated away from the building and directed to the stormwater management system.

2. The Applicant shall prepare, subject to Planning Board review and approval, drawings illustrating the organization and aesthetic treatment of the roof penetrations and roof scape treatment which shall include sound attenuation and shielding for any use of cooling towers and compressors for the facility's air conditioning system(s). Further, the Applicant shall include facade treatment details for the proposed garage facility, using materials which complement the already proposed buildings.

3. The Applicant shall provide to the Village landscape maintenance bonds the amount of which is to be determined by the Village Administrator and Engineer. Two bonds shall be posted:

a) A bond with a minimum term of two years shall be posted for the maintenance of general site landscaping, the landscaping to thereafter be maintained and replaced as necessary.

b) A bond with a term of five years shall be posted to guarantee plantings and the maintenance thereof for all planting in the "buffer area", to be thereafter maintained and replaced as necessary.

4. The Applicant shall co-ordinate with the Village of Sleepy Hollow's Director of Life and Fire Safety, Chief of Police and Fire Chief regarding the preparation and implementation of

the blasting protocol program. Such program shall include notification and inspection (pre and post blasts) procedures for those buildings located within 500 linear feet from the proposed blasting area. The blasting protocol shall also include coordination with the Hospital during times of blasting events.

5. The Applicant shall prepare a written report to the Planning Board detailing the final grading and landscape plans as approved by the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) for that area located within Rockwood Hall State Park portion of the Rockefeller State Park Preserve. As a condition of this site plan approval, the Applicant is required to construct the proposed trail connections leading to Rockwood Hall utilizing design standards as specified in the NYSOPRHP "Carriage Path System, Rockefeller State Park Preserve, Manual for Design, Construction and Maintenance." The Applicant must, subject to New York State Parks Department practices, provide appropriate public access at reasonable times between the Kendal property walkway system and Rockwood Hall State Park pursuant to the approved site plan. In the event that these other site plan approvals for those areas outside the Village of Sleepy Hollow differ substantially from the site plans approved herein, then the Applicant shall be required to submit said changes to the Planning Board for review and approval.

6. Submission for review and comment to the Architectural Review Board of the finalized project facade designs and materials.

OTHER CONDITIONS

1. Prior to the issuance of a temporary certificate of occupancy (TCO), the Applicant shall offer for dedication water lines and corresponding easements to the Village of Sleepy

Hollow as generally denoted on Site Utility Plan SP 4.1, said improvements to be constructed and installed to the satisfaction of the Village Engineer.

2. As early during the construction process as practicable, the Applicant shall prepare and install landscaping in those buffer areas located on the northern and southern portions of the site in the vicinity of Rockwood Hall and the neighboring Sleepy Hollow Manor residents.

Infill planting within the southern buffer areas shall be installed during the initiation of site work, if work is initiated during the planting season, but not later than six months from the initiation of site work, if said work does not begin during the growing season, subject to drought conditions.

Landscape screening on the northern portion of the site shall be installed immediately following completion of site work (carriage trail/berm/rough grading of loop road) and relocation of construction fence to top of berm if such completion takes place during the planting season or during the next subsequent planting season.

3. As part of the construction of the site access road, the Applicant shall construct, subject to NYSOPRHP approval, a temporary parking area which would serve patrons using Rockwood Hall. During that time when the site is under construction, the Applicant has agreed to make approximately 30 parking spaces available for overflow parking for visitors to Rockwood Hall. Signage will be posted in the temporary parking lot in Rockwood Hall directing overflow traffic to the Hospital's northern parking lot. The installation of the site loop road in the northern portions of the site shall also incorporate the proposed landscape buffers as early as practicable during the construction process (see Condition 2 above). Subject to NYSDOT and NYSOPRHP approval, the Applicant will seek to incorporate signage and walkways which

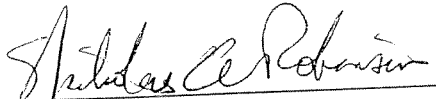
would enhance pedestrian circulation and safety. Before completion of the project, Applicant agrees to provide for a forty-five (45) car parking area subject to the approval of NYSOPRHP. Until such time, the temporary parking will continue.

4. Although reviewed in the Environmental Impact Statement document, the Applicant is not proposing a pedestrian only connection to the neighboring Sleepy Hollow Manor residence neighborhood. The plan shall indicate a potential location where such a connection could be made if and when the Village requests. If such request is made, the Applicant must insure that appropriate public access be provided at reasonable times between the Kendal walkway system and areas to the south, pursuant to the approved site plan. Such a connection would be constructed utilizing NYSOPRHP design standards.

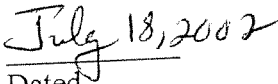
5. Prior to the issuance of a temporary certificate of occupancy, the Applicant shall make application and diligently seek a New York State Department of Transportation permit and undertake to construct a dedicated turning lane at the Route 9/Route 117 westbound intersection as discussed in the FEIS and Environmental Findings Statement. As part of this process, the Applicant will post with NYS DOT a bond for said improvements as required. If the permit has not been issued by NYSDOT or work has not begun under the permit at the time of issuance of said certificate of occupancy, then a \$100,000 letter of credit shall be posted with the Village. Said letter of credit may be drawn on by the Village of Sleepy Hollow to obtain the permit and undertake this work at the Village's sole discretion. If said permit has not been issued and substantial construction undertaken within two years from the posting of the letter of credit, the letter of credit shall be returned to the Applicant.

6. The Applicant shall prepare a detail for Planning Board review of any proposed entry signage, including location, use of materials, overall design and color.

7. Substantial construction of "the Project" commencing within one year of the date of adoption of the site plan approval and thereafter being diligently pursued to completion with the opportunity for extensions of the site plan approval and wetlands permit to be granted for good cause by the Planning Board at the request of the Applicant for a period of six months.



Nicholas Robinson, Chairman



Dated

April 18, 2002
Revised May 13, 2002

**VILLAGE OF SLEEPY HOLLOW PLANNING BOARD
SEQRA FINDINGS STATEMENT
KENDAL ON HUDSON CONTINUING
CARE RETIREMENT COMMUNITY**

WHEREAS, on or about June 11, 1999, Kendal on Hudson, a New York not-for-profit corporation and Phelps Community Corporation, a New York not-for-profit corporation (jointly the "Applicant") did submit a formal petition for amendments to the Village of Sleepy Hollow Zoning Code ("Zoning Code") and an application for Site Plan Approval (collectively, the "Petition") to the Mayor and Board of Trustees of the Village of Sleepy Hollow for the construction of a not-for-profit continuing care retirement community ("CCRC") as defined in and regulated under Article 46 of the New York Public Health Law to be called "Kendal on Hudson," on a leased parcel of land on the grounds of the Phelps Memorial Hospital ("the Action") also known and designated on the tax assessment map of the Town of Mount Pleasant as Section 110.11, Block 1, Lots 1, 2 and 3 and on the tax assessment map of the Village of Sleepy Hollow as Section 11, Block1, Lots 3A, 3a.1 and 3A.1M (the "Site"); and

WHEREAS, the Applicant's initial proposal called for a CCRC comprising 225 independent living apartments, 40 enriched housing ("assisted living") units, 42 skilled nursing rooms, related accessory uses and parking for 397 vehicles contained within 449,955± square feet of building program (the "Project"); and

WHEREAS, said Petition did include, among other items, a site plan application form, Village fee agreement form, site plan application checklist, text of the proposed zoning

amendment, coastal assessment form, full environmental assessment form, a grant of conservation and access easement made by Laurance S. Rockefeller in favor of Phelps Community Corporation and a Project description and conceptual site plan; and

WHEREAS, on July 13, 1999, the Mayor and Board of Trustees for the Village of Sleepy Hollow ("Village Board") did declare their intent to act as the Lead Agency under the State Environmental Quality Review Act "SEQRA") for this Action and did cause to be circulated a Notice of Intent to Act as Lead Agency to all other interested and involved agencies for their comment; and

WHEREAS, the Planning Board of the Village of Sleepy Hollow (the Planning Board) is an involved agency as defined in Section 617.2(s) of the SEQR regulations by virtue of the Planning Board's ability to grant site plan approval and a wetlands permit; and

WHEREAS, the Planning Board did not object to the Village Board acting as Lead Agency; and

WHEREAS, on September 14, 1999, after circulation of the Notice of Intent to Act as Lead Agency, the Village Board, at a regularly scheduled meeting, did declare itself to be the Lead Agency for this Action ; and

WHEREAS, the Lead Agency did conduct a thorough environmental review process which included a formal scoping process, review and acceptance of a Draft Environmental impact Statement (DEIS), review and acceptance of a Final Environmental Impact Statement (FEIS) and preparation and adoption of an Environmental Findings Statement; and

WHEREAS, the Lead Agency held a series of public hearings on both the DEIS and FEIS in which all members of the public were encouraged to be heard; and

WHEREAS, the Planning Board did meet with the Applicant on several occasions during the formal environmental review process and did submit to the Lead Agency comments on the preliminary DEIS for the proposed Project; and

WHEREAS, in response to the Applicant's Petition, the Village Board drafted and thereafter circulated Proposed Local Law #1 of 2001 of the Village (the "Local Law"), which Local Law would amend the Zoning Code to make a CCRC a special permit use within the H-Hospital District and to set forth certain definitional, lot and bulk criteria specifically related to such CCRC uses; and

WHEREAS, on February 15, 2001, the Planning Board adopted and forwarded to the Village Board recommendations on the proposed Local Law as required under the Zoning Code; and

WHEREAS, the Village Board, acting in both its corporate governmental capacity and as Lead Agency, scheduled concurrent public hearings on the FEIS and on the proposed Local Law for February 27, 2001; and

WHEREAS, on February 27, 2001, concurrent public hearings on the FEIS and the proposed Local Law were opened and the Village Board, acting in its corporate governmental capacity and as Lead Agency, Village staff, Village consultants and members of the public did comment on the FEIS and proposed Local Law; and

WHEREAS, on February 27, 2001, the Village Board, acting in both its corporate governmental capacity and as Lead Agency, closed the public hearing on the FEIS but adjourned the public hearing on the proposed Local Law without fixed date; and

WHEREAS, by letter to the Applicant's attorneys dated April 26, 2001, the Lead Agency requested further information from the Applicant with respect to comments on the FEIS, particularly with regard to the overall scale and density of the Project, the affordability of the Project to Village residents and the condition of existing trees on the Site; and

WHEREAS, by letters dated May 18, 2001 and May 25, 2001, the Applicant responded to the Lead Agency's request for further information; among other things, the letter provides additional information regarding a potential reduction of the total number of CCRC units (reduction of 16 enriched housing living units from 40 to 24) of the Project and a reduction of the maximum height of Project buildings to five stories, consistent with "Alternative C – Project Modifications" as set forth at pages IV-8 through IV-13 of the accepted DEIS, along with a concomitant reduction in overall bulk; and

WHEREAS, it is noted that the Village Board acted as the Lead Agency under SEQRA and did determine in the Environmental Findings Statement adopted June 19, 2001, that the proposed Project, with the mitigative measures identified therein, would not have a significant environmental impact and a copy of said Environmental Findings Statement is attached hereto; and

WHEREAS, following the completion of the environmental review process for the proposed action, the Village Board took the following actions:

- On July 10, 2001, following submission of a zoning petition by the Applicant, held a duly noticed public hearing on the proposed zoning text amendments which would permit a CCRC use as a special permit use in the H-Hospital District;
- Enacted a Local Law to allow for an amendment of the Sleepy Hollow Zoning Ordinance to permit CCRC's as special permit uses within the H-Hospital District;
- Held a duly noticed public hearing on August 21, 2001, following submission of a special permit application by the Applicant, on the special permit application during which all persons interested were provided an opportunity to be heard;
- Granted a special permit to the Applicant on September 18, 2001, to permit the construction of the proposed CCRC facility on the western portion of the Phelps campus; and

WHEREAS, on September 6, 2001, the Applicant submitted an application for site plan and wetlands permit approvals to the Village of Sleepy Hollow Planning Board; and

WHEREAS, on September 20, 2001, October 18, 2001 and November 5, 2001, the Planning Board did publicly discuss the contents of the proposed site plan application and the format in which it would be reviewed; and

WHEREAS, on November 21, 2001, December 3, 2001, December 20, 2001, January 17, 2002 and February 21, 2002 the Planning Board conducted and/or continued a public hearing on the detailed site plan and wetlands permit application upon due notice and all persons wishing to be heard were afforded an opportunity to be heard; and

WHEREAS, on October 24, 2001 and again on November 7, 2001, the Applicant met with the Village of Sleepy Hollow Architectural Review Board (ARB) as required under the

special permit approval. The ARB did discuss the application at length and did provide a unanimous recommendation to the Planning Board regarding their comments on the proposed site plan; and

WHEREAS, on March 18, 2002, the Applicant appeared before the Village of Sleepy Hollow Tree Commission (Tree Commission) as required under Chapter 52A of the Village Code of the Village of Sleepy Hollow. At a duly noticed public hearing, the Tree Commission discussed the proposed site plan. Based on comments raised by Tree Commission, the Applicant was able to modify the site plan to save additional mature trees located in the western portion of the site. After a complete review of the application and modifications to the site plan, the Tree Commission granted the Applicant the requested tree permit with the requirement that the sum of \$10,000 to be provided to the Tree Commission as mitigation for the removal of trees and the Applicant agreed to the provision of said sum; and

NOW, THEREFORE, BE IT RESOLVED that having reviewed the DEIS, the FEIS, supporting and related documents, comments received from the public, involved and interested agencies and from the Village's staff and consultants, the Village's Architectural Review Board, and the Applicant's responses thereto, and upon the entire record of the proposed action, the Planning Board hereby concurs with the environmental findings made by the Mayor and Board of Trustees acting as the Lead Agency and makes the following additional findings and determinations pursuant to 6 N.Y.C.R.R. Section 617.11:

1. Temporary noise levels will increase in the area during the construction of the Project and long-term minimal noise levels will be generated by residents, employees, service providers, deliveries, visitors and exterior mechanical equipment (e.g., roof-mounted cooling towers and

exhaust fans). Specific mitigation measures include the landscape enhancements in the buffer area in the southern portion of the site and the use of a decorative rooftop element to shield and attenuate noise resulting from proposed cooling towers and compressors. These increases are likely not to be perceptible to the human ear and have been minimized or mitigated by incorporating noise attenuation or dampening measures where appropriate, and vegetative screening as discussed above. The Applicant is required to take appropriate steps to minimize noise impacts arising from construction, including limiting construction activities to daytime hours and in accordance with all applicable rules, regulations and Village Codes.

The Planning Board finds that there will be no significant adverse noise impacts from construction, vehicular traffic and operation of the proposed Project.

2. Air quality may be temporarily impacted due to dust emissions during site disturbance for construction. These impacts will terminate when construction is completed. The Applicant will be required to use best construction management practices as indicated on Site Plan Drawing 7.2 and otherwise to take all appropriate steps to control dust emissions, including watering of exposed areas and mandatory dust covers for trucks. As a means to mitigate potential impacts to air quality, the Applicant will be required to consider the use of natural gas as an alternative to oil as a source of fuel for its heating.

The Planning Board finds that with the implementation of the indicated control measures during construction, there will be no significant adverse air quality impacts from fugitive dust emissions.

3. The Proposed Action is located within the Hudson River Drainage Basin. Existing stormwater runoff from the Site generally flows westward discharging into a wetland area

adjacent to the Metro-North Railroad tracks and the Hudson River. Construction of new buildings, parking areas and associated roadways will not result in increased peak stormwater flows for Hudson River discharge points if proposed drainage measures, including water quality basins, are implemented. During large storm events (100 year storm) the stormwater management system has been designed to pipe the overflow from the stormwater quality basins directly to the wetland area in the southwest corner of the site. Stormwater from the site is directed to the wetlands in a controlled manner, diverting high flow events directly to the wetland to eliminate overtopping of the water quality basins. Metro-North Railroad has reviewed the stormwater management plan and provided correspondence which indicates that they are satisfied with the analytical methodology. Metro-North Railroad has stated that their concerns regarding the potential impact of runoff on the adjacent railroad have been satisfied.

Regrading of the Site will increase the potential for erosion and sedimentation. An erosion and sediment control plan has been prepared in accordance with Westchester County's Best Management Practices for Erosion and Sediment Control. The Project will involve disturbance to more than five acres of land. Accordingly, the New York State DEC guidelines, as contained in the SPDES General Permit for Stormwater Discharges from Construction Activities, have been incorporated into the design of the Stormwater Management Plan.

It is the Applicant's obligation to maintain the stormwater management system. Further, the Applicant has agreed to and shall be required to reimburse the Village for routine inspection of the on-site stormwater management system once the site construction is completed and the site is open. Such inspections would occur periodically throughout the year, but not less than twice per year. The Village inspector would, when required, identify where repairs or other maintenance would need to be made to maintain the stormwater management facility. If the

Applicant does not make improvements in a timely manner, the Village will make the improvements or required maintenance and charge the Applicant for the cost of such improvements. Upon the failure of the Applicant to pay the cost of the maintenance and or improvements this would constitute a lien against the property.

The proposed Stormwater Management Plan includes two water quality basins to reduce nutrient loading into the on-site wetland area and eventually to the Hudson River and to provide detention of stormwater runoff. The Applicant also incorporates "stormceptor" devices to further remove sediments and other materials from the stormwater runoff. The Applicant will prepare and adhere to a Stormwater Pollution Prevention Plan as is required under the SPDES General Permit. The Planning Board finds that the proposed stormwater quality and erosion control program minimizes potential stormwater impacts to the maximum extent practicable.

4. Approximately 0.97 acres of upland areas that are protected under Village law as wetland buffer will be disturbed as a result of the proposed action. No impacts to Village regulated wetlands are anticipated as a result of the Proposed Action. The Applicant has prepared a wetland mitigation program, which includes supplementing the existing wetland buffer area on the southern end of the Site with woodland and flowering trees as well as evergreens. The presently eroded stream channel will be stabilized and replanted to provide additional habitat and erosion control. The Planning Board finds that the existing wetland functions will be maintained or enhanced by the Applicant's activities.

5. There are no unique or rare habitats on the Site that could potentially be impacted by the Project. Construction related activity will result in disturbance of approximately 15 acres within the Site and an additional 3± acres in the easement area. Approximately 1,200 trees

within the proposed disturbance area will be removed. Of this figure, the tree survey reveals that 37 percent are already dead or in poor condition and another 29 percent were found to have only marginal value. The Applicant has proposed a comprehensive landscape plan, including an infill planting program for the identified buffer adjacent to the Sleepy Hollow Manor neighborhood and a series of landscaped berms in the vicinity of Rockwood Hall. The infill planting and overall landscape plan include the replanting of approximately 607 trees and which shall range for deciduous trees from 1 inch to 4 inches in caliper and for evergreen trees height ranging from 8-10 feet in height to 10-12 feet. The number of trees proposed to be planted as part of the overall Project landscaping plan exceeds that initially shown and considered as part of the environmental review and is now roughly equivalent to the number of healthy trees proposed to be removed as part of the proposed Project.

The Planning Board finds that the removal of some vegetation is an unavoidable impact of the Project and that the Applicant has appeared before the Village Tree Commission and received a permit subject to Chapter 52A of the Village Code. In addition, the Tree Commission requested as mitigation, that the Applicant provide to the Village, a fee in the amount of \$10,000 to mitigate the impact of proposed tree removal. The infill planting program and comprehensive landscaping plan will also mitigate the loss of existing vegetation and will provide screening to minimize the potential visual impacts of the Project to the maximum extent practicable. Installation of landscaping in the proposed landscape buffers shall be initiated as early as practicable during the construction process. No significant species or habitats will be displaced by the proposed Project.

6. The Applicant has agreed to provide the Village with fees in lieu of reservation of parkland and open space as defined under Section 62 of the Village Code, such fee amounting to

Six Hundred Sixty Two Thousand Five Hundred and No/100 (\$662,500.00) Dollars, the payment of which is spelled out in the Development Fee Agreement adopted by the Village Board on September 18, 2001.

7. The western 21± acres of the 61± acre Phelps Memorial Hospital campus is currently vacant and is characterized by a meadow area and a stand of primarily deciduous trees which provide a limited view of the Hudson River in the winter months and block the view of the Hudson River in the spring, summer and fall.

The Project will alter the visual character of the Site. The majority of the vacant, wooded and meadow portions of the Site will be developed with buildings, access roadways, walkways and ornamental plantings. The Applicant has proposed to establish an approximately seven acre wooded buffer in the southern portion of the Site separating the Project facilities from the residential neighborhood in this vicinity. Provisions will be made for the preservation and maintenance of this buffer, which will vary in depth between 150 and 400 feet. In order to mitigate adverse effects on the site the Applicant has agreed to include a pedestrian trail system starting at the site loop road and extending south into the buffer area. The proposed trail system in this part of the site does not connect through to Birch Close.

The comprehensive landscaping plan incorporates the planting of more than 600 deciduous and evergreen trees. Landscape plantings will be concentrated on the southern portion of the Site in the vicinity of the seven acre wooded buffer, proposed loop road and in the northern portion of the Site in the vicinity of the easement over the parkland. A decorative border element and additional landscape plantings are proposed in the immediate surrounding of the James House.

To mitigate potential adverse visual impacts of the Project the following conditions will be imposed:

a) The Applicant shall adhere to the landscaping plan presented in the FEIS, as modified by the letter submitted by the Applicant to the Village Board dated May 18, 2001, and as supplemented by the incorporation of additional landscape plantings; including infill planting in the wooded buffer area separating the Project facilities from the residential neighborhood to the south and the construction of landscaped berms within the Rockwood Hall access easement area.

b) That landscaping proposed within the southern buffer areas or otherwise outside of the temporary construction zone, shall be installed during the first planting season, but in no case later than six months after the issuance of the building permit, subject to drought conditions.

The landscaping proposed within the northern buffer area shall be installed during the first planting season following completion of site work (carriage trail/berm/rough grading of Loop Road) in area and relocation of construction fence to top of berm.

c) Incorporation of specific design elements as part of the architectural program including the use of: a continuous stone facing of one or more stories; projecting bay windows and other window treatments to vary the facade; use of tower elements to vary the massing and vertical

dimensions of the buildings; and the use of lantern elements and dormers to provide a more residential character to the roofline.

- d) Provision of a publicly accessible riverfront promenade and overlook connecting to the Rockwood Hall State Park Preserve carriage paths. The Planning Board has identified three (3) potential future locations for a trail connection between the proposed pedestrian walkway on the project site and the neighboring residential community to the south, west to the Hudson River, north to Route 9A or to the south.
- e) Provision of an additional sidewalk on the north side of ILU East and ILU West and more clearly delineated crosswalks which enhance pedestrian circulation on site.
- f) The Applicant has provided for a conceptual design treatment for the roofscape which incorporates decorative elements for rooftop penetrations.

8. The Applicant has prepared more detailed drawings and discussed at length with the Planning Board the potential visual impacts associated with the development and construction of the proposed parking structure. The Applicant has included details of proposed lighting fixtures that would be used on both levels of the parking facility. Light spill off from the parking garage has been mitigated through the incorporation of specific light fixtures as indicated on Site Plan drawing A-4.0. Such fixtures use specific lighting elements and shields which focus their illumination to the maximum extent practicable. Further, the first level (partially below grade) of the proposed garage structure has been designed to house the fixtures within the ceiling structure

such that there is no direct glare resulting from the interior of the parking structure. Further, the Applicant has been directed to prepare, as part of subsequent building facade and roof top treatment review provided as a condition of site plan approval, details of the parking garage facade. The garage facade detail shall specify color and detailing and be architecturally complementary in character to the balance of the building program. In addition, the Applicant has enhanced the initially proposed landscape program to further screen the lower level of the parking structure from points due west and south. Further, it is noted that there is approximately 240 feet of existing woodland separating the proposed parking facility from the residential homes to the south. This buffer area is proposed to be further enhanced with additional infill plantings. Given that these infill plantings are located outside the limit of disturbance line, these plantings shall be installed immediately after the issuance of a building permit, if said permit is issued during the planting season, or no later than six months from the issuance of said building permit, if said permit is not issued during the growing season.

9. As a result of the Proposed Action, the current informal parking arrangement on Rockwood Road for those patrons of Rockwood Hall will be eliminated. To mitigate this impact, the Planning Board requested and the Applicant agreed to provide a 15 space temporary parking area within the grounds of Rockwood Hall subject to OPRHP approval. In the event of an overflow parking situation, signage will be provided directing patrons to the north end of the Hospital parking lot. The hospital has set aside no less than 30 spaces to be used on a temporary basis for Rockwood Hall overflow parking.

Before Completion of the Project, the Applicant agrees to provide for a forty-five (45) car parking area subject to the approval of NYSOPRHP. Until such time, the temporary parking will continue.

10. Approximately 0.97 acres of upland areas that are protected under Village law as wetland buffer will be disturbed as a result of the proposed action. No impacts to Village regulated wetlands are anticipated as a result of the Proposed Action. The Applicant has prepared a wetland mitigation program, and the Applicant has applied to the Village of Sleepy Hollow Planning Board for a wetland disturbance permit as required under the Village's Wetland/Watercourse Protection ordinance. Mitigation proposed as part of the Project, includes supplementing the existing wetland buffer area on the southern end of the Site with woodland and flowering trees as well as evergreens. The presently eroded stream channel will be stabilized and replanted to provide additional habitat and erosion control. The Planning Board finds that the existing wetland functions will be maintained or enhanced by the Applicant's activities.

The Planning Board finds that the impact of the Project on views from surrounding properties will be mitigated to the maximum extent practicable through the implementation of the conditions set forth above.

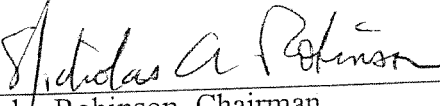
Subject to the implementation of the mitigation measures identified herein by the Planning Board as required to be made, the Planning Board of the Village of Sleepy Hollow hereby certifies with respect to the site plan application and the wetlands permit application that:

1. The requirements of 6 NYCRR Part 617 have been met and fully satisfied;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the Proposed Action with the mitigation measures imposed herein is one which minimizes or avoids adverse environmental effects to the maximum extent practicable,

including effects disclosed in the DEIS, FEIS and set forth in this Findings Statement.

3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision, those mitigation measures which were identified as practicable.

4. After due consideration, the Planning Board finds that this action will achieve a balance between the protection of the environment and the need to accommodate social, economic and other considerations of sound public policy.



Nicholas Robinson, Chairman

Dated: July 18, 2002

